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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Moses Isaiah Matthews,
Plaintiff,
v.
Heather Summers,
Defendant.

No: CV14-62-PHX-JAT (JZB)
ORDER

Pending before the Court is Defendant Heather Summers’s January 27, 2016, motion to modify the Final Pretrial Order with a supplement to the exhibit list for the February 18, 2016, bench trial. (Doc. 60). Defendant seeks to augment the Final Pretrial Order by adding an omitted exhibit—what was previously listed as “Exhibit 122” in the parties’ joint proposed pretrial order. (Doc. 45-1). The omitted exhibit is a copy of Plaintiff Moses Matthews’s First Amended Complaint, which contains copies of the administrative grievances Plaintiff filed prior to this lawsuit. Plaintiff has been given an opportunity to oppose the pending motion, and has declined to do so.

Having reviewed the record, the Court finds: that (1) Plaintiff will suffer no “prejudice or surprise” from the proposed modification; (2) Plaintiff has no need “to cure any prejudice,” as he will suffer none; (3) the supplemental exhibit will not “impact . . . the orderly and efficient conduct of the case”; and (4) no “willfulness or bad faith” is present

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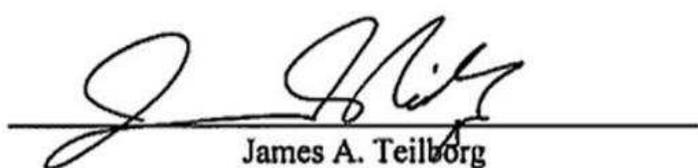
in Defendant’s “seeking the modification.” Hunt v. County of Orange, 672 F.3d 606, 616 (9th Cir. 2012) (citations omitted). Given that the aforementioned omitted exhibit is central to the issue set for trial on February 18, 2016, and both parties are likely to rely it, permitting the modification to the Final Pretrial Order will “prevent manifest injustice.” Hunt, 672 F.3d at 616 (quoting Federal Rule of Civil Procedure 16(e)).

Accordingly, pursuant to Fed. R. Civ. P. 16(e):

IT IS ORDERED that Defendant’s motion, (Doc. 60), to modify the Final Pretrial Order, (Doc. 56), is hereby **GRANTED**.

IT IS FURTHER ORDERED that Defendant shall file an amended Proposed Final Pretrial Order by Tuesday, February 9, 2016.

Dated this 5th day of February, 2016.


James A. Teilborg
Senior United States District Judge